

Mike M
File 2

Commander (mep)
Third Coast Guard District
Governors Island
New York, New York 10004
(212) 264-4916

5904
03-333/73mep
11 September 1975

L. E. Carpenter Co.
170 Main Street
Wharton, N.J.

Gentlemen:

A report has been received by this office that oil in harmful quantity was allegedly discharged into the waters of the United States on 3 January 1975 by your facility at Wharton, New Jersey.

Petroleum derivatives flowed from the discharger's property into a creek adjacent to the property, and thence into the Rockaway River, an intake source for the reservoirs of Jersey City and Passaic water works.

The Federal Water Pollution Control Act as amended in 1972 prohibits the discharge of oil in harmful quantities into or upon the waters of the United States, including the territorial sea. Section 311 of the Act states, in part, that the owner or operator of a facility or vessel from which oil is discharged shall be assessed a civil penalty of not more than \$5,000.00 for each offense. The Act states further that no penalty may be assessed before the owner or operator is given notice and an opportunity for a hearing on such charge. A written statement may be submitted in addition to or in lieu of the hearing.

In determining the amount of the penalty to be assessed, or agreed to in compromise, the Act provides that the appropriateness of the penalty to the size of the business of the owner or operator charged, the effect on the owner or operator to continue in business and the gravity of the violation shall be considered. Such information should be presented at the hearing or in any written statement submitted.

If you prefer, you may waive your statutory rights and close this case by forwarding your check or money order, payable to the U. S. Coast Guard, in the amount of \$5,000.00 to the above address.

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If before 2 October 1975 you do not request a hearing, submit a written statement or pay the amount specified to close this case, a civil penalty will be assessed solely upon the information now available to us.

Sincerely yours,

JOHN W. YAGER
Captain, U. S. Coast Guard
Chief, Marine Safety Division
By direction of the District Commander

BCC:
REGION II